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Introduction

You and I are persons. More specifically, we are human persons – persons who are members of the species *Homo sapiens*. But what does it mean to say that someone is a person? And what is the significance of being human?

You and I have existed for years. We will continue to exist in the future. What are the criteria for our continuing to exist over time?

In continuing to exist – that is, in living our lives – we develop stories about ourselves. These stories may go well or badly from our individual perspectives. What is the character of these self-stories? At a general level, how do we want them to go? Does our existence have any value to us if we are incapable of telling such stories to ourselves?

When do we come into being, and when do we die? What is the relationship between our origins and death, on the one hand, and the boundaries of our self-stories, on the other? What are we most fundamentally? Are we essentially self-narrating persons or are we essentially human animals – who happen to treasure the portion of our lives when we can make narratives?

As persons, we not only exist over time and develop self-narratives; we plan for the future in the hope that our stories will go a certain way. But common sense suggests that we can plan for times when we no longer have the ability to plan or make any complex decisions. Advance directives in medicine are supposed to facilitate such planning. But the person who completes an advance directive may be very different from the patient to whom it will later apply. We tend to think that the earlier person and the

later patient are the same individual, who has changed greatly but not gone out of existence. Is this correct? In any case, what is the authority of earlier plans for someone who no longer remembers such planning and doesn't care about it?

Self-stories and planning are characteristic of human persons. So is the effort to change ourselves in ways we consider improvements. Such changes can be minor, moderate, or extreme. Modern technologies facilitate many efforts at self-change. Are any self-transformations so drastic that they literally put one out of existence, creating someone else? Are any of them inherently unethical? Are major self-transformations via technologies, or certain technologies, morally problematic for other reasons? In the end, are they justifiable?

Future technologies will enable doctors to modify a fetus's genome, either to prevent some disease or impairment or to enhance certain traits. But would such interventions, by changing an individual's genes, effectively eliminate that individual and create a new one? Or would it merely change a persisting individual in a way that importantly affects her later self-story? Whatever the answer, would we be justified in pursuing prenatal genetic therapy or enhancement?

Today's parents routinely face reproductive decisions in light of information provided by genetic and other medical tests. Sometimes such information recommends delaying efforts to become pregnant; getting pregnant too soon would likely result in the birth of a child with a significant handicap. Suppose that a couple nevertheless seeks and achieves pregnancy immediately, predictably producing a handicapped child. Absent special circumstances, such a decision seems wrong. But the child brought into existence with a handicap would not have existed had her parents delayed conception, and so – assuming that her life is worth living – apparently lacks any basis for complaint. If the parents' choice harms no individual, how can it *wrong* anyone? And if it doesn't wrong anyone, how can it *be* wrong?

One legal option available to pregnant women is abortion. But if we come into existence as fetuses, does that mean that fetuses have full moral status and a right to life? Will any of the ideas that emerge in our investigation help to resolve this most controversial of moral problems?

The present book addresses all of these questions. The remainder of this chapter will sketch the conception of personhood with which the book will work before outlining the chapters that follow.

PERSONHOOD[1]

The word *person* traces back at least to the Latin *persona*: a mask, especially as worn by an actor, or a character or social role.[2] The concept evolved into the Roman idea of *one who has legal rights* – notably excluding slaves – before broadening into the Stoic and Christian idea of *one who has moral value*. The modern concept defines persons as *beings with the capacity for certain complex forms of consciousness,* such as rationality or self-awareness over time. Here is John Locke's classic formulation: "a thinking intelligent being, that has reason and reflection, and can consider itself, as itself, the same thinking thing, in different times and places."[3] This concept is closely associated with, and arguably includes, the idea of someone who has moral status (or full moral status if the latter comes in degrees) and perhaps also moral responsibilities.

I will take this modern concept as our shared concept of personhood. But there are different ways to sharpen it, yielding different *conceptions* of personhood. In ordinary life, when we refer to persons we are referring to particular human beings. The term refers paradigmatically – that is, without controversy – to normal human beings who have advanced beyond the infant and toddler years. Such human beings are certainly beings with the capacity for complex forms of consciousness, for they are psychologically complex, highly social, linguistically competent, and richly self-aware. They are also members of our species. But must a person be human (*Homo sapiens*)? Perhaps some nonhumans display equally sophisticated forms of consciousness. And must all members of our species qualify as persons? What about those who, although of a species whose members characteristically feature this capacity, do not themselves possess it due to genetic anomaly or injury? And what is the significance of the term *capacity*? Some such term is needed to indicate that you remain a person while sleeping; you retain the relevant abilities even when not using them. But does a human fetus, currently quite unable to manifest complex forms of consciousness, have the capacity to do so in the sense of having a nature, or genetic program, that ordinarily permits development

[1] Parts of this section borrow significantly from my chapter "On the Question of Personhood Beyond *Homo Sapiens*" in Peter Singer (ed.), *In Defense of Animals*, 2nd ed. (Oxford: Blackwell, forthcoming).

[2] See *The Oxford English Dictionary*, 2nd ed., vol. XI (Oxford: Clarendon, 1989), pp. 596–7.

[3] *Essay Concerning Human Understanding*, 2nd ed. (1694), Book II, ch. 27, sect. 9.

of the relevant abilities? If such potential constitutes the relevant capacity, then fetuses are persons.

Some people think that all and only members of our species are persons, regardless of their actual current abilities.[4] Others think that persons are beings who actually possess the relevant abilities, regardless of whether they are human.[5] I believe this second conception far more adequately captures the term's current *meaning*, even if in everyday circumstances people typically use the term only to *refer to* human beings. After briefly defending this claim, I will note that it is not strictly necessary for our purposes.

The concept of personhood seems to extend beyond humanity. For we often categorize as persons certain imaginary nonhuman beings and certain nonhuman beings whose existence is debatable. Thus E.T., the extraterrestrial, Spock from *Star Trek*, and the speaking, encultured apes of *The Planet of the Apes* impress us as being persons. Furthermore, if God and angels exist, they too are persons. (Interestingly, many people who are inclined to equate personhood with humanity also assert, contradictorily, that God is a person.) This suggests that *person* does not mean *human being*. The term refers to a kind of being defined by certain psychological traits or capacities: beings with particular complex forms of consciousness. So, in principle, there could be nonhuman persons, for it is conceivable – and perhaps true – that certain nonhumans have the relevant traits.

As noted, the concept of personhood is closely associated with the idea of moral status or full moral status. Is that moral idea part of the very concept of personhood? Another possibility is that the latter is purely descriptive – but seems tantamount to an assertion of moral status because virtually everyone assumes that persons have moral status (as a matter of moral principle, not linguistic meaning). But whether or not the concept of personhood combines descriptive content with moral content, it undoubtedly has descriptive content. Moreover, because the assumption that moral status requires personhood is increasingly challenged today – for example, by those who hold that sentient animals have moral status – it will be advantageous to focus on the term's less controversial, descriptive meaning.

Can we elucidate personhood in greater detail? Although many fairly specific analyses have been offered, they never seem quite right. Consider

[4] See, e.g., Norman Ford, *The Prenatal Person* (Oxford: Blackwell, 2002), ch. 1.

[5] See, e.g., Mary Anne Warren, "On the Moral and Legal Status of Abortion," *Monist* 57 (1973): 43–61 and Michael Tooley, *Abortion and Infanticide* (Oxford: Clarendon, 1983).

Harry Frankfurt's thesis that persons are beings capable of autonomy (in his terminology, *freedom of the will*): the capacity to examine critically the motivations that move one to act in a certain way, and either identify with these motivations or reject and work to change them.[6] Thus a person, or an autonomous being, may have an incessant desire to drink, due to alcoholism, but may fight this urge and seek to extinguish it. But to require so much cognitive sophistication for personhood is to require too much. No one really doubts that normal three-year-olds and moderately retarded individuals are persons, yet they may lack the capacity for critical reflection necessary for autonomy. Another view, suggested by P. F. Strawson, is that to be a person is to have both mental and bodily characteristics.[7] But surely this is too inclusive, for many animals we would never regard as persons have both types of characteristics.

Consider another definition, which is quite close to Locke's and apparently strikes many philosophers as plausible: persons as rational, self-aware beings.[8] Here the problem is that neither rationality nor self-awareness is an all-or-nothing trait. Many creatures we would not regard as persons display some rationality, which comes in degrees. For example, a cat who wants to go outside, understands that heading to the cat door will get him there, and then intentionally heads for the cat door as a means of getting outside displays simple instrumental rationality.[9] Meanwhile, self-awareness comes in different kinds as well as degrees.[10] For example, presumably all animals capable of intentional action, such as cats, have some degree of *bodily* self-awareness, an awareness of their own bodies as distinct from the rest of the environment. Relatively social mammals also have *social* self-awareness: an awareness of how they fit into group structures, expectations that come with their position in the group, likely consequences of acting against those expectations, and so on. Vervet monkeys, for example, are socially self-aware to an impressive degree.[11] A further kind of self-awareness is *introspective* awareness,

[6] "Freedom of the Will and the Concept of a Person," *Journal of Philosophy* 68 (1971): 829–39. Cf. Daniel Dennett, *Brainstorms* (Hassocks, England: Harvester, 1978), ch. 14.
[7] *Individuals* (London: Methuen, 1959), p. 104.
[8] Peter Singer, *Practical Ethics*, 2nd ed. (Cambridge: Cambridge University Press, 1993), pp. 110–11.
[9] I argue that many animals can act intentionally and to some degree rationally in *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge: Cambridge University Press, 1996), pp. 129–72.
[10] I develop this point and discuss the relevant empirical literature, ibid., pp. 166–83.
[11] See Dorothy Cheney and Robert Seyfarth, *How Monkeys See the World* (Chicago: University of Chicago Press, 1990).

consciousness of one's own mental states. It is uncertain whether any nonhuman animals have this capacity. In any event, due to the distinct kinds of self-awareness, each of which admits of degrees, it illuminates little to say simply that personhood requires self-awareness. Which kind? If one replies that introspective awareness, say, is necessary for being a person, it would be appropriate to counter that this trait is only one of a cluster of traits that seem about equally implicated in the concept of personhood. To identify introspective awareness alone – or even in combination with rationality – as definitive of personhood would be arbitrary.

Personhood appears to be associated with a cluster of traits without being precisely analyzable in terms of any specific subset: autonomy, rationality, self-awareness, linguistic competence, sociability, the capacity for intentional action, and moral agency. A being doesn't need all these traits, however specified, to be a person, as demonstrated by nonautonomous persons. Nor is it enough to have just one of them, as indicated by the enormous range of animals capable of intentional action. A person is someone who has *enough* of these characteristics. Moreover, because we cannot draw a precise, nonarbitrary line that specifies what qualifies as enough, the concept is fairly vague. Like many or most concepts, personhood has blurred edges. Still, *person* means something, permitting us to identify paradigm persons and, beyond the easy cases, other individuals who are sufficiently similar in relevant respects to deserve inclusion under the concept.

My suggestion, then, is that the present meaning of *person* is roughly *someone (of whatever species or kind) with the capacity for sufficiently complex forms of consciousness*. I also suggest that we understand *capacity* in the sense of current capabilities; mere potential to develop them is not enough. As will become evident in Chapter 2, most leading philosophical work on personhood and personal identity agrees with this rough conception – although, as noted, scholars frequently try to sharpen it into a more specific analysis.[12]

But suppose I am mistaken in claiming that this broadly Lockean conception best expresses our concept of personhood. Or suppose (whether or not I am correct) particular readers disagree with my claim or are uncertain about it. My being mistaken or unpersuasive about the

[12] My comments imply that this sharpening effort is fruitless due to the concept's vagueness, assuming one is trying to capture the shared concept of personhood rather than stipulating a conception for a particular purpose.

shared concept would not matter. That is because nothing important, philosophically or morally, will turn on my usage of the term. The entire book could be read, without loss of meaning, after one has deleted every occurrence of *person* and substituted *someone with the capacity for complex forms of consciousness*. Indeed, my definition of *person* may be regarded as stipulative – as an announcement of how I intend to use the term – rather than as a thesis about the term's objective meaning. Conveniently, the vast majority of scholars I will cite use the term in ways that are consistent with my definition.

Can my use of *person* get off the argumentative hook so easily? What about the claim that, in addition to descriptive content, the term includes moral content? Here I can remain fairly neutral. The content in question involves an assertion of moral status. Not wanting to beg significant moral questions in my use of the term *person*, I will be careful in what I claim. Note that both traditional moralists, who hold that human beings have exclusive – or at least radically superior – moral status, and animal protectionists, who hold that many nonhuman animals have significant moral status, agree on this proposition: *Personhood is sufficient for full moral status*. Whether it is also *necessary* for full moral status I leave open. (I deny that it is necessary for *substantial* moral status, but that is another matter that does not affect the present discussion.[13]) The italicized statement is all I will assume, morally, about personhood. Whether it expresses part of the meaning of *person*, or states a logically independent moral assumption does not matter for our purposes. In any case, I will hereafter use *person* in the species-neutral sense articulated previously.[14]

PLAN OF THE BOOK

The remainder of this book will address the questions introduced at the beginning of this chapter. Chapters 2 and 3 provide a framework for understanding the identity of human persons. Chapter 2 – the longest and most technical in the book – confronts the issue of our *numerical identity*, which most analytic philosophers have considered *the* issue of personal identity: What are the criteria for our continuing to exist

[13] See *Taking Animals Seriously*, ch. 3.

[14] This species-neutral sense of *person* leaves open the conceptual possibility of nonhuman persons. Elsewhere I have argued that there are currently at least five living nonhuman persons – all of whom, notably, have received extensive linguistic training: three great apes and two dolphins ("On the Question of Personhood Beyond *Homo Sapiens*"). Space constraints prevent me from including this material here.

over time? Closely related is the issue of our essence: What are we most fundamentally? Against the philosophical majority, I will argue that we are essentially human animals, not minds or persons, and that our persistence conditions are biological, not psychological.

Because I deny that we are essentially persons, I will sometimes speak of *our* identity or *human* identity, rather than *personal* identity. At issue is the identity of human persons – that is, of human beings, like us, who are persons for at least part of their existence. The term *personal identity* is potentially confusing in half-suggesting either that we are essentially persons or that the issue concerns our identity only so long as we are persons. Nevertheless, the term is so well established that it would be awkward to avoid it altogether.

Chapter 3 focuses on a different sense of identity, one largely neglected by analytic philosophers. This is *narrative identity*, which involves a person's self-conception, what she considers most important to who she is, the way she organizes the story she tells herself about herself. In addition to providing a framework for understanding narrative identity, the chapter will seek to illuminate the related concepts of self-creation, autonomy, and authenticity. It will also address the issue of what most matters, prudentially, in our continued existence. Importantly, other philosophers who have focused on narrative identity have had little to say about numerical identity, apparently believing the latter unimportant. This book distinguishes itself by developing accounts of both senses of identity and maintaining that both are normatively important.

Chapters 4 to 7 engage this two-part account of human identity with specific practical issues. The most general theme uniting the chapters is that one or both senses of identity are critical to understanding a rich array of issues in bioethics: the definition of human death; the authority of advance directives in cases of severe dementia; the use of enhancement technologies; prenatal genetic interventions; and certain types of reproductive choices. With the help of plausible moral assumptions, considerations of identity illuminate these difficult issues. No less importantly, casual appeals to identity are unhelpful. Carefully distinguishing numerical and narrative identity – and having plausible views about both – are critical to identity-related argumentation in bioethics. As we will see, much of the literature conflates the two senses of the term and/or assumes implausible theses about identity, vitiating its argumentation from the start.

Chapter 4 addresses the definition of human death. Since death ends our existence, it concerns our persistence conditions – conceptually tying

the issue of human death to that of our numerical identity. Currently there is a virtual consensus among scholars that the permanent cessation of functioning of the entire brain is sufficient for a human being's death. I will argue, to the contrary, that an updated version of the traditional cardiopulmonary standard best coheres with the concept of death in the case of human beings. But, because the *policy* issue of defining death cannot rely on ontological considerations alone, narrative identity and various pragmatic considerations also weigh in, leading to a more pluralistic framework. This discussion illustrates both the relevance *and the limits* of personal identity theory in addressing issues in bioethics. Sometimes good theorizing illuminates normative issues by preventing premature closure.

Both senses of identity prove important in Chapter 5, which addresses the authority of advance directives in cases of severe dementia. That our numerical identity is a function of biological life ensures that an advance directive's author remains in existence despite having even the severest dementia. At first glance, then, it would appear that advance directives carry their usual authority in such cases. But, since our persistence as self-narrators matters greatly to us, narrative identity is also salient. The investigation requires refining the framework for understanding narrative identity: Weak and strong types of narrative identity are distinguished, as are several senses of *identification*, which may or may not characterize the relationship between the earlier author of an advance directive and the later individual to whom it presumably applies. (The need to refine our theoretical framework in discussing advance directives illustrates the reciprocal dynamic of theory development in ethics: Sometimes a theoretical framework illuminates particular practical issues; sometimes the practical issues require refinement, or even revision, of the framework.) The chapter ultimately steers a middle course between those who favor precedent autonomy *über alles* and those who argue that, in cases of severe dementia, best interests trump respect for autonomy.

Chapter 6 explores enhancement technologies in relation to identity and self-creation, the deliberate shaping of oneself or one's life direction. Focusing on cosmetic surgery, cosmetic psychopharmacology, and genetic enhancements, the discussion finds most concerns about them to provide reasons for caution rather than prohibition. Most identity-related objections prove to rest either on misunderstandings concerning our identity or on a rigid romanticism about a person's current characteristics. The upshot is a cautious openness about the use of enhancement technologies in projects of self-creation.

Turning to our prenatal identity, Chapter 7 investigates prenatal genetic interventions and certain types of reproductive decisions. It is argued that the human animal, or organism, comes into being not at conception but somewhere between the sixteen-cell stage and the time at which twinning becomes impossible – further refining the account of numerical identity defended in Chapter 2. It is next argued that, once we come into existence, our identity is relatively robust in the face of genetic and other changes. Most arguments supporting a claim of fragile prenatal identity prove either to conflate numerical and narrative identity or to assume that we are essentially minds or persons. Except for very early in pregnancy, before one of us has come into being, the robustness thesis obviates the concern that prenatal genetic interventions may put one human individual out of existence while creating a new one. Nevertheless, for various reasons, prenatal genetic therapy enjoys somewhat stronger moral support than prenatal genetic enhancement.

Turning to reproductive decision making, the chapter next tackles the nonidentity problem. If a couple's choice to conceive at a particular time predictably brings into the world a child with a handicap that could easily have been avoided by delaying efforts to conceive, their behavior seems highly objectionable – even if the resulting child has a worthwhile life. The problem is to make sense of this moral judgment in light of the fact that, had the couple delayed pregnancy, the child they would have created is numerically distinct from the child they did, in fact, create. Since the actual child would not have existed had the parents delayed pregnancy, he is apparently not a victim. How, then, to explain the seeming wrongness of the parents' behavior? I attempt to address this problem in a way that generates neither paradox nor implausible ethical implications – and with minimal dependence on any specific view of human identity.

The chapter's final section addresses abortion. After rebutting several strategies for resolving this issue, including an ingenious argument from personal identity, I reconstruct the strongest antiabortion argument – the Future-Like-Ours Argument (which tacitly assumes the biological view) – and appeal to the earlier-defended view of our origins to determine when in gestation this argument first applies. I then raise doubts about a highly regarded strategy for undercutting the Future-Like-Ours Argument before contending that an appeal to the fetus's time-relative interests successfully defeats the argument, greatly advancing the case for a liberal position.